**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

SUMMONS FOR JUDGMENT NO.1169 OF 2003

IN

SUIT NO.2881 OF 2003

Nemai T. Hazra .. Plaintiff

vs.

Pritosh Bhupnath .. Defendant.

Mr. N.P. Shimpi for plaintiff.

Mrs. A. Shareefammal for defendant.

**CORAM : S.U.KAMDAR, J.**

**DATE : 5th Septembr, 2005.**

P.C.

. The present suit is filed for recovery of a sum of Rs. 1,51,000/- with interest at the rate of 24 % per annum. The learned counsel appearing for the plaintiff gives up his claim for interest at the rate of 24% on Rs. 1,51,000/- since the same is not forming part of the written document. The defendant has contended that the said amount is not paid and he being illiterate his signature has been obtained as he does not know how to read and write. The defence put forward is bogus and without any merit. In view thereof, I direct the defendant to deposit Rs. 1 lac within a period of two weeks failing

which the plaintiff will be entitled to a decree. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.